

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q88256

Hiroaki YAMADA, et al.

Appln. No.: 10/539,010

Group Art Unit: 2839

Confirmation No.: 7398

Examiner: Vladimir IMAS

Filed: June 15, 2005

For: CASSETTE RELAY BLOCK ATTACHEMENT STRUCTURE

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

The real party in interest is Yazaki Corporation, by virtue of an assignment executed by Hiroaki Yamada, Nobutaka Kaneko, Hiroaki Kano and Katsuji Suuura (Appellants, hereafter), on May 17, 2005, and recorded by the Assignment Branch of the U.S. Patent and Trademark Office on June 15, 2005 (at Reel 017444, Frame 0401).

II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellants, the Assignee, and the undersigned, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

The instant application was originally filed with claims 1-9. Claims 3-9 were amended and claims 10-22 added in a preliminary amendment filed June 15, 2005. Thus, claims 1-22 are currently pending in the instant application.

Claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Akiyama, et al. (U.S. 6,022,247).

The rejection of claims 1-22 is being appealed.

IV. STATUS OF AMENDMENTS

As of the Advisory Action dated June 7, 2007, no outstanding amendments to the claims are currently pending. Thus the claims stand as presented before the Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The instant invention relates to a cassette relay block attachment. Independent claim 1 is directed to a cassette relay block attachment structure, comprising:

a cassette relay block¹ having a lock portion² disposed inwardly of an outermost wall surface³ of the cassette relay block, the cassette relay block being inserted into a space⁴ surrounded by peripheral walls⁵ on an attaching member,⁶ said cassette relay block being fixed by the lock portion and a locked portion⁷ located on the peripheral wall side of the attaching member.

Dependent claim 2 is directed to the cassette relay block attachment structure according to claim 1, wherein said lock portion and locked portion are housed in the projected area of a relay⁸ attached to said cassette relay block.⁹

Dependent claim 3 is directed to the cassette relay block attachment structure according to claim 1, wherein terminal housing parts of said cassette relay block are arranged crosswise,

¹ Specification, page 12, lines 9-11 and FIG. 1, element 1.

² *Id.* at page 12, lines 13-19 and FIG. 1, element 4.

³ *Id.* at page 13, lines 8-14 and FIG. 1, elements 5a and 6a.

⁴ *Id.* at page 14, lines 13-14 and FIG. 1, element 15.

⁵ *Id.* at page 14, lines 14-16 and FIG. 1, elements 16-19.

⁶ *Id.* at page 14, lines 12-14 and FIG. 1, element 2.

⁷ *Id.* at page 15, lines 8-21 and FIG. 1, element 10.

⁸ *Id.* at page 17, lines 2-5 and FIG. 3.

⁹ *Id.* at page 17, lines 16-19.

and said lock portion is arranged in a range surrounded by crossing outer wall surfaces of the terminal housing parts.¹⁰

¹⁰ Specification, page 4, lines 16-22, page 13, lines 14-17 and page 17, lines 11-13 and FIGS. 2 and 3.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Akiyama, et al. (U.S. 6,022,247).

VII. ARGUMENT

Claims 1-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Akiyama, et al. (U.S. 6,022,247).

Appellants respectfully submit that claims 1-22 are not anticipated by Akiyama.

Claim 1 of the instant invention recites:

A cassette relay block attachment structure, comprising: a cassette relay block having a lock portion disposed inwardly of an outermost wall surface of the cassette relay block, the cassette relay block being inserted into a space surrounded by peripheral walls on an attaching member, said cassette relay block being fixed by the lock portion and a locked portion located on the peripheral wall side of the attaching member.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of an Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference.¹¹ In fact, the identical invention must be shown in as complete detail as contained in the claim.¹²

In the Final Office action dated March 2, 2007, the Examiner alleges that claims 1-22 read on Akiyama. Specifically, the Examiner alleges that FIG. 1-5 describes all of the elements

¹¹ See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

¹² See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

of claims 1-22. With regard to claim 1, the Examiner alleges that element 4 corresponds to the cassette relay block, element 6 corresponds to the lock portion, element 2a corresponds to the peripheral walls on the attaching member, and element 7a corresponds to the locked portion.¹³ Further, in the Advisory Action, the Examiner argues that Akiyama, in fig. 5, discloses lock portion 6 disposed inwardly of an outermost wall surface 6a.¹⁴

Appellants respectfully submit that Akiyama fails to disclose all of the features recited in claim 1 because Akiyama fails to disclose that the lock portion is disposed inwardly of an outermost wall surface of the cassette relay block.

Akiyama discloses an electric wiring block 1 in which a main block body 2 holds a plurality of cassette blocks 3 and 4.¹⁵ The cassette blocks 3 and 4 have lock claws 6 and 11 disposed as projections *outside* the outermost wall surface of the main body of the cassette blocks 3 and 4.¹⁶ Further, Akiyama indicates that “at given positions *on the respective outside portions* of the cassette blocks 3 and 4, lock claws 6 are provided as shown in FIG. 5.”¹⁷ Thus, the lock portion cannot be considered to be *inwardly* of an outermost wall surface of the cassette relay block, as alleged by the Examiner and recited in claim 1. Therefore, Appellants respectfully submit that claim 1 is patentable over the applied art. Claims 2-22 are patentable at least by virtue of their dependency from claim 1.

¹³ See Final Office Action dated March 2, 2007, page 2.

¹⁴ See Advisory Action dated June 7, 2007, page 2.

¹⁵ See Akiyama, FIG. 1.

¹⁶ *Id.*

¹⁷ See Akiyama, Col. 5, lines 9-12 (emphasis added).

Additionally, Appellants submit that claims 2 and 3 are patentable over the applied art for reasons independent of their dependency. Claim 2 recites “said lock portion and locked portion are housed in the projected area of a relay attached to said cassette relay block.” The Examiner alleges that Akiyama discloses this aspect of the instant invention, but fails to cite where Akiyama teaches or suggests that the lock and locked portions are housed in the projected area of a relay attached to said cassette relay block.¹⁸ Rather, Akiyama, indicates that a lock claw and securing rib are located within the electric wiring block body, but no indication is made that an attached relay is projected where the lock claw and securing rib are located.¹⁹

Claim 3 recites “said lock portion is arranged in a range surrounded by crossing outer wall surfaces of the terminal housing parts.” As noted above, the lock claws on the cassette block are projected from the center of the outside walls of the cassette block.²⁰ Thus, the lock claws cannot be arranged in a range by *crossing outer wall surfaces*, as recited in claim 3.

Further, in the Advisory Action dated June 7, 2007, the Examiner did not respond to the arguments presented in the Response filed May 31, 2007 with regard to claims 2 and 3, as required by MPEP 707.07(f). MPEP §707.07(f) states that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant’s argument and answer the substance of it.” Thus Appellants’ argument with respect to claims 2 and 3 have not been properly rebutted, and claims 2 and 3 are patentable over the applied art.

¹⁸ See Final Office Action dated March 2, 2007, page 2.

¹⁹ See *Akiyama*, FIGS. 1 and 6.

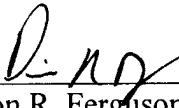
²⁰ See *Akiyama*, FIG. 1.

Conclusion

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: October 16, 2007

CLAIMS APPENDIX

CLAIMS 1-22 ON APPEAL:

1. A cassette relay block attachment structure comprising:
a cassette relay block having a lock portion disposed inwardly of an outermost wall surface of the cassette relay block, the cassette relay block being inserted into a space surrounded by peripheral walls on an attaching member, said cassette relay block being fixed by the lock portion and a locked portion located on the peripheral wall side of the attaching member.

2. The cassette relay block attachment structure according to Claim 1, wherein said lock portion and locked portion are housed in the projected area of a relay attached to said cassette relay block.

3. The cassette relay block attachment structure according to Claim 1, wherein terminal housing parts of said cassette relay block are arranged crosswise, and said lock portion is arranged in a range surrounded by crossing outer wall surfaces of the terminal housing parts.

4. The cassette relay block attachment structure according to Claim 1, characterized in that said lock portion is a flexible lock arm.

5. The cassette relay block attachment structure according to Claim 1, further comprising:

a rib provided on the opposite side to said lock portion side and for one of said cassette relay block and said peripheral walls; and
a guide groove for slide engagement with the rib provided for the other.

6. The cassette relay block attachment structure according to Claim 1, wherein said peripheral walls on the attaching member are formed as a cassette frame.

7. The cassette relay block attachment structure according to Claim 6, wherein said cassette frame serves as one of said cassette relay block and other cassette electric parts mounting blocks.

8. The cassette relay block attachment structure according to Claim 6, wherein the inner surfaces of said peripheral walls are housed in the projected area of said relay.

9. The cassette relay block attachment structure according to Claim 6, wherein the cassette frames having lock members, respectively, are coupled to each other by the lock members, and the cassette frames are coupled to a connection box body having locked members to constitute an electric connection box.

10. The cassette relay block attachment structure according to Claim 2, wherein terminal housing parts of said cassette relay block are arranged crosswise, and said lock portion is arranged in a range surrounded by crossing outer wall surfaces of the terminal housing parts.

11. The cassette relay block attachment structure according to Claim 2, characterized in that said lock portion is a flexible lock arm.

12. The cassette relay block attachment structure according to Claim 3, characterized in that said lock portion is a flexible lock arm.

13. The cassette relay block attachment structure according to Claim 2, further comprising:

a rib provided on the opposite side to said lock portion side and for one of said cassette relay block and said peripheral walls; and
a guide groove for slide engagement with the rib provided for the other.

14. The cassette relay block attachment structure according to Claim 3, further comprising:

a rib provided on the opposite side to said lock portion side and for one of said cassette relay block and said peripheral walls; and
a guide groove for slide engagement with the rib provided for the other.

15. The cassette relay block attachment structure according to Claim 4, further comprising:

a rib provided on the opposite side to said lock portion side and for one of said cassette relay block and said peripheral walls; and
a guide groove for slide engagement with the rib provided for the other.

16. The cassette relay block attachment structure according to Claim 2, wherein said peripheral walls on the attaching member are formed as a cassette frame.

17. The cassette relay block attachment structure according to Claim 3, wherein said peripheral walls on the attaching member are formed as a cassette frame.

18. The cassette relay block attachment structure according to Claim 4, wherein said peripheral walls on the attaching member are formed as a cassette frame.

19. The cassette relay block attachment structure according to Claim 5, wherein said peripheral walls on the attaching member are formed as a cassette frame.

20. The cassette relay block attachment structure according to Claim 7, wherein the inner surfaces of said peripheral walls are housed in the projected area of said relay.

21. The cassette relay block attachment structure according to Claim 7, wherein the cassette frames having lock members, respectively, are coupled to each other by the lock

members, and the cassette frames are coupled to a connection box body having locked members to constitute an electric connection box.

22. The cassette relay block attachment structure according to Claim 8, wherein the cassette frames having lock members, respectively, are coupled to each other by the lock members, and the cassette frames are coupled to a connection box body having locked members to constitute an electric connection box.

EVIDENCE APPENDIX:

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

There has been no evidence submitted.

RELATED PROCEEDINGS APPENDIX

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

There are no related proceedings.

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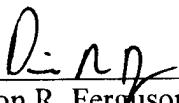
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Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$510.00 is being charged to Deposit Account No. 19 4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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